

REMARKS

Claims 1-28 are identified as pending in the application. Applicant respectfully notes that claims 10 and 16 were previously canceled in Applicant's Amendment dated April 13, 2005, thus obviating the rejections against them and should be withdrawn from further consideration.

Accordingly, claims 1-9, 11-15 and 17-28 are pending in the application.

Examiner Interview

On October 21, 2005, Applicant interviewed Examiner Wilson via phone. In the interview, Applicant and Examiner Wilson discussed possible amendments to the claims that could overcome the cited prior art of record. As a result of this discussion, Examiner Wilson indicated that certain changes to the claims would overcome the cited prior art. Specifically, Examiner Wilson indicated that reciting that the receiver on the working end and the projection on the handle are non-circular would overcome Spiner. Further, by amending the independent claims to further describe that the elongated working portion extends generally perpendicular within the plane of the planar working end would overcome Kuo. These changes have been incorporated into the above amended claims.

Claim Rejections - 35 U.S.C. § 102

Claims 1-3, 7, 9, 13, 15, 17, and 20-28 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 1,568,442 to Carver ("Carver"). The rejections are respectfully traversed.

With respect to amended independent claim 1, the claim is amended to recite that the elongated working portion extends generally perpendicular within a plane of the planar working end and to recite that the projection and receiver are non-circular.

Carver discloses an adjustable angle wrench (and not a pry tool) that includes wrench 20 which has a circular hole 22 to receive circular projection 12 on handle 10. Carver discloses a typical wrench head on wrench 20 and does not disclose an elongated working end extending generally perpendicular within a plane of the wrench 20. Thus, because Carver discloses a wrench and not a pry tool, discloses a circular receiver and projection, and fails to disclose an elongated working portion extending generally perpendicular within a plane of the working end, Carver does not anticipate amended independent claim 1. Therefore, claim 1 is believed to be allowable and allowance is respectfully requested.

Claims 2-3, 6-7 and 24-26 all depend from claim 1, and for at least the same reasons given for claim 1, these claims are believed to be allowable and allowance is respectfully requested.

With respect to amended independent claim 9, the claim is amended to recite, as with claim 1, that the elongated working portion extends generally perpendicular within a plane of the planar working end and that receiving end includes a non-circular receiver and is structured to receive a non-circular projection of a handle.

As noted above, Carver discloses a wrench and not a pry tool. Carver discloses a circular receiver and projection. Further, Carver fails to disclose an elongated working portion extending generally perpendicular within a plane of the working end. Thus, Carver fails to disclose each and every element of claim 9. Therefore, claim 9 is believed to be allowable and allowance is respectfully requested.

Claims 13 and 27 depend from claim 9, and for at least the reasons given for claim 9, these claims are believed to be allowable and allowance is respectfully requested.

With respect to amended independent claim 15, the claim is amended similarly to claims 1 and 9 to recite that the elongated working portion extends generally perpendicular within a plane of the planar working and to recite that a non-circular projection is received into a non-circular receiving portion of the working end.

As noted above, Carver discloses a wrench and not a pry tool. Carver discloses a circular receiver and projection. Further, Carver fails to disclose an elongated working portion extending generally perpendicular within a plane of the working end. Thus, Carver fails to disclose each and every element of claim 15. Therefore, claim 15 is believed to be allowable and allowance is respectfully requested.

Claims 17 and 20-23 all depend from claim 15, and for at least the reasons given for claim 15 these claims are believed to be allowable and allowance is respectfully requested.

With respect to amended independent claim 28, the claim is amended similarly to claims 1, 9 and 15 to recite that the elongated working portion extends generally perpendicular within a plane of the planar working and to recite that a non-circular projection is received into a non-circular receiving portion of the working end.

As noted above, Carver discloses a wrench and not a pry tool. Carver discloses a circular receiver and projection. Further, Carver fails to disclose an elongated working portion extending generally perpendicular within a plane of the working end. Thus, Carver fails to disclose each and every element of claim 28. Therefore, claim 28 is believed to be allowable and allowance is respectfully requested.

Claims 1-3, 5, 7, 9, 12-13, and 15 and 17-21 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,931,063 to Kuo ("Kuo"). The rejections are respectfully traversed.

With respect to amended independent claim 1, the claim is amended to recite that the elongated working portion of the pry tool extends generally perpendicular within a plane of the planar working end.

Kuo, like Carver, discloses a wrench and not a pry tool. Further, Kuo does not disclose an elongated working portion extending perpendicular within a plane of the wrench body 10. Thus, Kuo fails to disclose each and every element of claim 1. Therefore, claim 1 is believed to be allowable over Kuo and allowance is respectfully requested.

Claims 2-3 and 5-7 all depend from claim 1, and for at least the reasons given for claim 1, these claims are believed to be allowable and allowance is respectfully requested.

With respect to amended independent claim 9, the claim is amended, similarly to claim 1, to recite that the elongated working portion of the pry tool extends generally perpendicular within a plane of the planar working end.

Kuo, like Carver, discloses a wrench and not a pry tool. Further, Kuo does not disclose an elongated working portion extending perpendicular within a plane of the wrench body 10. Thus, Kuo fails to disclose each and every element of claim 9. Therefore, claim 9 is believed to be allowable over Kuo and allowance is respectfully requested.

Claims 12 and 13 depend from claim 9, and for at least the reasons given for claim 9, these claims are believed to be allowable and allowance is respectfully requested.

With respect to amended independent claim 15, the claim is amended, similarly to claims 1 and 9, to recite that the elongated working portion of the pry tool extends generally perpendicular within a plane of the planar working end.

Kuo, like Carver, discloses a wrench and not a pry tool. Further, Kuo does not disclose an elongated working portion extending perpendicular within a plane of the wrench body 10. Thus, Kuo fails to disclose each and every element of claim 15. Therefore, claim 15 is believed to be allowable over Kuo and allowance is respectfully requested.

Claims 17-21 depend from claim 15, and for at least the reasons given for claim 15, these claims are believed to be allowable and allowance is respectfully requested.

Claims 1-3, 5, 7, 9, 12-13, 15, and 17-28 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,996,448 to Suekage ("Suekage"). The rejections are respectfully traversed.

With respect to amended independent claim 1, the claim is amended to recite that the elongated working portion of the pry tool extends generally perpendicular within a plane of the planar working end.

Suekage, like Carver and Kuo, discloses a wrench and not a pry tool. Further, Suekage does not disclose an elongated working portion extending perpendicular within a plane of the wrench body 10. Thus, Suekage fails to disclose each and every element of claim 1. Therefore, claim 1 is believed to be allowable over Suekage and allowance is respectfully requested.

Claims 2-3, 5-7 and 24-26 all depend from claim 1, and for at least the reasons given for claim 1, these claims are believed to be allowable and allowance is respectfully requested.

With respect to amended independent claim 9, the claim is amended, similarly to claim 1, to recite that the elongated working portion of the pry tool extends generally perpendicular within a plane of the planar working end.

Suekage, like Carver and Kuo, discloses a wrench and not a pry tool. Further, Suekage does not disclose an elongated working portion extending perpendicular within a plane of the wrench body 10. Thus, Suekage fails to disclose each and every element of claim 9. Therefore, claim 9 is believed to be allowable over Suekage and allowance is respectfully requested.

Claims 12-13 and 27 depend from claim 9, and for at least the reasons given for claim 9, these claims are believed to be allowable and allowance is respectfully requested.

With respect to amended independent claim 15, the claim is amended, similarly to claims 1 and 9, to recite that the elongated working portion of the pry tool extends generally perpendicular within a plane of the planar working end.

Suekage, like Carver and Kuo, discloses a wrench and not a pry tool. Further, Suekage does not disclose an elongated working portion extending perpendicular within a plane of the wrench body 10. Thus, Suekage fails to disclose each and every element of claim 15. Therefore, claim 15 is believed to be allowable over Suekage and allowance is respectfully requested.

Claims 17-21 depend from claim 15, and for at least the reasons given for claim 15, these claims are believed to be allowable and allowance is respectfully requested.

With respect to amended independent claim 28, the claim is amended, similarly to claims 1, 9 and 15, to recite that the elongated working portion of the seal puller extends generally perpendicular within a plane of the planar working end. Further, claim 28 recites a seal puller, which is a more specific type of pry tool.

Suekage, like Carver and Kuo, discloses a wrench and not a seal puller. Further, Suekage does not disclose an elongated working portion extending perpendicular within a plane of the wrench body 10. Thus, Suekage fails to disclose each and every element of claim 28. Therefore, claim 28 is believed to be allowable over Suekage and allowance is respectfully requested.

Claims 1-3, 7-9, 14, and 15, and 17-21 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,871,204 to Spirer ("Spirer"). The rejections are respectfully traversed.

With respect to amended independent claim 1, the claim is amended to recite that the handle includes a non-circular projection and the working end includes a non-circular receiver that is structured to accept the non-circular projection. Further, the claim recites generally planar working end.

Spirer discloses a hammer head as the working end of a tool. This is not a pry tool and the hammer head is not generally planar. If the hammer head were construed to be generally planar (which the Applicant does not concede), Spirer only describes circular projection 20 on handle 30. Thus, Spirer fails to disclose each and every element of claim 1. Therefore, claim 1 is believed to be allowable over Spirer and allowance is respectfully requested.

Claims 2-3 and 7-8 all depend from claim 1, and for at least the reasons given for claim 1, these claims are believed to be allowable and allowance is respectfully requested.

With respect to amended independent claim 9, the claim is amended to recite that the handle includes a non-circular projection and the working end includes a non-circular receiver that is structured to accept the non-circular projection. Further, the claim recites generally planar working end.

Spirer discloses a hammer head as the working end of a tool. This is not a pry tool and the hammer head is not generally planar. If the hammer head were construed to be generally planar (which the Applicant does not concede), Spirer only describes circular projection 20 on handle 30. Thus, Spirer fails to disclose each and every element of claim 9. Therefore, claim 9 is believed to be allowable over Spirer and allowance is respectfully requested.

Claim 14 depends from claim 9, and for at least the reasons given for claim 9, this claim is believed to be allowable and allowance is respectfully requested.

With respect to amended independent claim 15, the claim is amended to recite that the handle includes a non-circular projection and the working end includes a non-circular receiver that is structured to accept the non-circular projection. Further, the claim recites generally planar working end.

Spirer discloses a hammer head as the working end of a tool. This is not a pry tool and the hammer head is not generally planar. If the hammer head were construed to be generally planar (which the Applicant does not concede), Spirer only describes circular projection 20 on handle 30. Thus, Spirer fails to disclose each and every element of claim 15. Therefore, claim 15 is believed to be allowable over Spirer and allowance is respectfully requested.

Claims 16-21 all depend from claim 15, and for at least the reasons given for claim 15, these claims are believed to be allowable and allowance is respectfully requested.

Claim Rejections - 35 U.S.C. § 103

Claims 4 and 11 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Spirer. The rejections are respectfully traversed.

Claim 4 depends from claim 1, and thus, necessarily includes all of the limitations of claim 1. As noted above, Spirer does not disclose each and every element of claim 1. Thus, Spirer also does not disclose each and every element of dependent claim 4. Therefore, claim 4 is believed to be allowable over Spirer and allowance is respectfully requested.

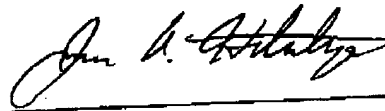
Claim 11 depends from claim 9, and thus, necessarily includes all of the limitations of claim 9. As noted above, Spirer does not disclose each and every element of claim 9. Thus, Spirer also does not disclose each and every element of dependent claim 11. Therefore, claim 11 is believed to be allowable over Spirer and allowance is respectfully requested.

CONCLUSION

For the foregoing reasons, reconsideration and allowance of claims 1-9, 11-15, and 17-28 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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